



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2308422  
**Applicant Name :** Lee Wangerin  
**Address of Proposal:** 3620 15<sup>th</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a one-story, 4,380 square foot (sq. ft.) building with retail sales and service use and surface parking in an environmentally critical area. The project includes grading of 642 cubic yards of material. Existing structures are to be demolished.

The following approval is required:

**SEPA - Environmental Determination** – (Chapter 25.05, Seattle Municipal Code.)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non exempt grading or demolition or involving  
another agency with jurisdiction.

**BACKGROUND INFORMATION**

**Site and Vicinity Description**

This approximately 10,601 square foot (sq. ft.) rectangular site is located in a Commercial 2 (C2-40') zone, on the east side of 15<sup>th</sup> Avenue West and just before the entrance to the 15<sup>th</sup> Avenue West on-ramp that serves as an overpass connector to West Emerson Street. A 16' wide paved alley runs along the east property line of this site. An existing one-story vacant building, detached storage shed building

and accessory parking resides on the site. The site is accessed via 15<sup>th</sup> Avenue which is a principal arterial, paved with curbs, gutters and sidewalks.

Most of the site is relatively flat but a portion of the site is identified as Environmentally Critical Area (ECA)-Steep Slope. The east margin of the site has a slope that rises towards the east and is covered with vegetation. Site elevations range from a low of approximately 58' along the west side of the site to a high of approximately 70' at the top of the slope near the east edge of the site. The applicant has been granted a limited exemption from ECA steep slope development standards under Project #02400150 for the identified ECA area but all other ECA submittal, General, Landslide-Hazard and applicable development standards still apply to the proposal.

Adjacent zoning surrounding the site is as follows:

North	Commercial (C2-40')
East	Lowrise – Residential Commercial (L3-RC)
South	Commercial (C2-40')
West	General Industrial (IG-U/45')

Adjacent uses are as follows

North	Ballard Bridge, 15 <sup>th</sup> Avenue West on ramp and overpass
East	Apartments
South	Office Building
West	Warehouse

### Proposal

The applicant proposes to construct a 4,380 sq. ft. one-story retail sale and service building (Affordable Tire and Brake) in an ECA. The proposed usage of this facility will consist of commercial tire sales and minor auto repair. Surface parking for four vehicles is proposed at grade and vehicular access will occur via 15<sup>th</sup> Avenue West. The existing commercial building and detached storage shed will be demolished. Proposal includes grading approximately 642 cubic yards of material at the base of the designated ECA steep slope area to allow for the proposed building's foundation.

### Public Comments

The required public comment period ended on July 7, 2004. DPD received no written comments regarding this proposal.

### ANALYSIS - SEPA

The proposal site is located in a steep slope critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within

critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 15, 2004. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

#### Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area are expected: 1) increased vibration from construction operations and equipment; and 2) temporary soil erosion. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Regulations for Environmentally Critical Areas and 2) Stormwater, Drainage and Grading Code (temporary soil erosion).

### Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Keith A. Johnson, Geologist and William Chang, P.E. dated August 21, 2003 and an addendum to the geotechnical engineering study prepared by Wade J. Lassey, Geologist and William Chang, P.E. dated March 25, 2004. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long-term Impacts

Potential long-term impacts that may occur as a result of this project include increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

### **DECISION - SEPA**

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**CONDITIONS - SEPA**

None.

Signature: \_\_\_\_\_ (signature on file) Date: August 5, 2004

Tamara Garrett, Land Use Planner  
Department of Planning and Development  
Land Use Services

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